

Appl. No.: 10/753,135
Amdt. dated 10/24/2005
Reply to Office action of July 22, 2005

REMARKS/ARGUMENTS

The applicant initially would like to acknowledge the helpful telephone interview granted the applicant's attorneys on September 7, 2005. During the interview, the arguments as presented in the Response filed August 22, 2005 were reviewed in detail, and no agreement was reached.

The present Amendment serves to significantly narrow the patentability issues, and no new issues are presented. It is accordingly submitted that this Amendment is appropriate for entry and reconsideration under the provisions of 37 CFR 1.116.

Claim 22 is now the only base claim at issue, and it defines the invention so as to clearly and patentably distinguish over the Cherry and Williams patents which were cited and applied to reject the claims in the final action. In particular, Claim 22 defines the invention as comprising a flashing for use in a portal opening and which comprises a base portion having first and second flat portions 20, 30 joined at a right angled corner, and the flat portions define respective inner surfaces 24, 34 and outer surfaces 22, 32. A front face plate 14 extends from the first and second portions, and a plurality of channels 23, 36 are formed in at least one of the inner surfaces 24, 34 for directing water through the front face plate.

As an important further and distinguishing feature, the outer surfaces 22, 32 are substantially planar and are free of channels. This permits a solid abutment between the outer surfaces and the sill or jamb of the portal opening. The patent to Cherry, upon which the Examiner relies for a teaching of the channels, shows "corrugations 21" which are structurally and functionally distinct from the channels of

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the invention which are on one side only of the first and second portions 20, 30. Further, there is no teaching or suggestion as to how or why the corrugations 21 of Cherry could be added to the structure of Williams.

Dependent Claims 23-27 define the structure of the claimed channels in more detail, and further distinguish over any possible combination of Cherry and Williams. For example, Claim 25 defines the channels as extending only through the end edge of the first and second portions which are co-extensive with the front face plate, and not through the opposite end edges. This structure precludes the passage of water back into the inside of the building structure, and it is not shown or suggested by either Cherry or Williams.

Dependent Claim 26 adds that the channels are tapered so as to define an increased depth at the front face plate. This feature further assures the proper drainage of water from the channels, and this feature also is not suggested by the cited patents even when considered collectively.

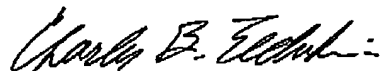
New Claim 27 represents a combination of the features set forth in Claims 25 and 26, and is allowable for the same reasons discussed above.

As further and high persuasive evidence of the patentability of the invention, the Examiner's attention is respectfully directed to the International Search Report, a copy of which was filed on June 3, 2005. The Search Report describes the Williams and Cherry patents as "defining the general state of the art which is not considered to be of particular relevance".

For the reasons set forth above, it is respectfully submitted that all of the pending claims are in condition for immediate allowance, and such action is solicited.

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Respectfully submitted,

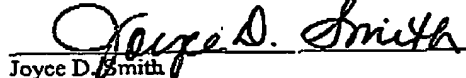


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Joyce D. Smith

Date: October 24, 2005